The Times Bispatch

STATE LOSES ITS DISPENSARY CASE

Federal Court of Appeals Sustains Judge Pritchard in Naming Receivers.

LIQUOR MONOPOLY RAPPED IN DECREE

Broad Question of States' Rights Involved, Though Opinion Holds That Winding-Up Commission Is Not a Court-Fuller

Assents.

OVERING every phase of the South Carolina dispensary case in an exhaustive opinion which deals with the broad question of States' rights, the United ates Circuit Court of Appeals handed own an opinion yesterday fully suslining Circuit Judge Pritchard in the popointment of receivers to wind up the affairs of the liquor monopoly long saintained by the Palmetto State. Two ours later an order was issued per litting the Comonwealth to anter an oppeal with the Supreme Court of the United States.

Appeal to Supreme Court,

could be prepared and filed forty days that much, time be

What Court Holds.

Although the opinion written by Judge Boyd is long and technical for at degree, the more salient features are clearly set forth in the following ab-

There are two main propositions.

clearly set forth in the following abstract:

There are two main propositions, first, the jurisdictional, which presents the question whether this is a suit against the State of South Carolina, and therefore forbidden by the eleventh inmendment, and, second, whether the dispensary commission is a court incapable of having its proceedings stayed by a writ of injunction granted by a Federal court.

Does this case come within the limits prescribed? In this connection it becomes necessary to inquire if the State has any present interest in the rind in controversy which can be divested by a judicial determination of the frue amount, if any, justly due the complainant? Or has the State, by an act of the Legislature, relinquished all right, if any existed, to enough of the fund to pay all the just debts of the State dispensary?

The first proposition rests largely upon the construction to be given to the set of the South Carolina Legislature of February 16, 1907, providing for the appointment of a commission to wind up the affairs of the State dispensary.

Gave Funds to Commission.

The State, through its Legislature, the purposes designed in the act.

The fund being in the hands of the commission charged with this duty, the State has no interest in so much thereof as is necessary to pay the just-debts. The court cites, the case of Paited States vs. Planters, and many, other decisions sustaining his pusition, including the case of Gunter, Attorney-General, vs. Atlantic Coast Ling Hallroad, 200 United States.

In what cannelly, asks a the court, are

torney-General, vs. Atlantic Coast Line Railroad, 200 United States. In what capacity, asks the court, are the members of the commission acting; Are they officers of the State of South Carolina, or are they agents appointed under an act of the Legislature empowered to take possession of a certain fund and directed to administer such fund in a certain manner? We are constrained to hold that the funds in their hands are held in trust for the payment of the delts mentioned, and that the creditors of the State dispen-sary have a property in the fund in the hands of the commission to the extent

RUSTIN HAD REGISTERED

rhis Fact Leads to Bellef That He Did

This Fact Leads to Bellef That He Did Not Commit Suicide.

OMAHA, NEB., September 15.—The registration shows and individuals testify that Dr. Frederick Rustin, mysteriously shot and killed some time during the night of September 1st, had that day registered at the primary election in Omaha. He registered at 5:45 P. M. at a booth at Fortieth and Fasom Streets, one block east of his residence, where he was found dead. As he entered the booth, he conversel with City Prosecutor Herbert E. Daniels, a prominent Democrat, standing at the door,

"I want to register as a Democrat, for I am going to vote the straight Democratic ticket this fall," he said to Mr. Daniels.

Mr. Daniels takes this action and his conduct at the polls as an indication that Dr. Rustin did not commit suicids. Mr. Daniels says that he returned to his home, a block and a half from the Rustin home at 3 o'clock the following morning, the hour Dr. Rustin is supposed to have been killed on his porch; that he passed the Rustin home and neither heard nor saw any person there or near. He sat in his library reading for an hour and a half afterwards, and never heard a sound. Mrs. Rustin told the police that she heard the shot at 3 o'clock.

RAILROADS ARE DOING WELL

HALL TO NEWPORT NEWS

Much Speculation as to Why Navy-Yard Change is Made.

[Special to The Times-Dispatch.]

NEW YORK, September 15.—The order detaching and transferring Commander R. T. Hall, head of the department of steam engineering at the Brooklyn Navy-Yard, to the Newport News Shipbuilding Company's yard for inspection duty, replacing Commander W. M. Parks, who is ordered to take Hall's place in Brooklyn, has, owing

Hall and give his place to Pa

BORE THREE-MILE TUNNEL

Staunton Man, With Chicago Firm, Given Large Contract.

Special to The Times. Dispatch.]

A telegram from Pikeville says that McArthur Bros., of Chicago, and Samuel Walton, of Staunton, Va., have secured the contract to construct the Charleston, Clinchfield and Ohio Railroad from that city to Cleveland, Va., about forty miles, making connection with the Norfolk and Western Railroad and opening one of the richest territories in the State. A tunnel must be built through Sand Mountain that will be three miles long, and it will take two years and ten months to excavate for it.

The engineers for the foad are J. S. Bontley and William Smith, of Minneapolis. No estimate is given of the cust per mile for the road, but it will require skilful engineering to complete that there was an intense opposition. I recognized that there were people who feared that my election would be injurious to the country, and they commended for them. To-day there is no south fear. In 1896 there were people worked for them. To-day there is no south fear. In 1896 there were people worked for them. To-day there is no south fear. In 1896 there were people south fear. In 1896 there were p

FRED W. SCOTT MEMBEU

GEORGIA PROTECTIVE COMMITTEE

Line

[Special to The Times-Dispatch.]

NEW YORK September 15.—At a local firm of the first mortgage bondhold ers of the Central of Georgia Ry. Co., leid to-day at the office of Prince & local firm of the first mortgage bondhold ers of the Central of Georgia Ry. Co., leid to-day at the office of Prince & Levy, of Maittand, Coppell & Co., Fred eric Willam Scott, of Scott & String fellow, Richmond, Va., and Walter P., Gardner, of Grossbeck & Co. They will invite deposit of bonds.

**S51.75 to California*

Via Washington Sunses*

hands of the commission to the extent that the debts are shown to be just, and that a judicial determination of the intermediate that a judicial determination for the irus amount of such debts can in (Confinued on Fourth Parca).

(Confinued on Fourth Parca).

**Si.75 to California Sinset Route August Via Washington Sunset Route August Sist to October 30th. Tourist sleeping cars without change, personally conducted borth, \$8.50. C. W. Westbury, T. P. A., 930 East Main Street.

IN EVERY SPEECH

On Tour Through New Jersey Bryan Pours Hot Shot Into His Adversary.

FINDS NEW CONDITIONS IN THE EAST NOW

Where Twelve Years Ago People Were Opposed to and Afraid of Him They Are Now His Friends-Scores the Republicans in Pennsylvania.

RENTON, N. J., september 15.—
Pouring hot shot into Mr. Taft and the Republican party at every point where he stopped, william J. Bryan to-night in this city concluded a strenuous day of campaigning in New Jersey, following a few hours in Philadelphia, where, in front of a newspaper office and before a great throng, he arraigned the Republican organization of that city and expressed his sorrow for people who, he said, were compelled to live under its rule. Switching into national politics, he asserted that the Republi-

PEOPLE ARE WITH HIM

require skilful engineering to complete it, as the country is mountainous.

CAR OF DYNAMITE EXPLODES

Railroad Agent and Two Others Killed and Platform Wrecked.

WINDSOR, MO., September 15.—A carload of dynamite standing on the track in front of the Missouri, Kansas and Texas Railroad station here exploded at 10 o'dlock this morning with terrific force. The car and the station platform were demolished and eighteen persons standing nearby were more or less seviously injured. Frederick Yake, agent of the Missouri, Kansas and Texas Railway, was terribly mangled and soon died. Two others died from injectes.

FRED W. SCOTT MEMBER.

in the last twelve years have learned enough about the trusts to know that their business has been jeopardised under Republican rule, and that nothing but a Democratic victory can save their business. There were many small manufacturers who viewed with (Continued on Second Page.) (Continued on Second Page.)

SVEN HEDIN AT SIMLA

splorer Returns From Long Tibetan

Explorer Returns From Long Tibetan Trip—Valuable Discoveries.

SIMLA, September 15.—Sven Hedin, the explorer, who started in 1906 from Chinese Turkestan on a journey through Tibet, has arrived hore. He will be the guest of Lord Minto, the Viceroy of India, for ten days, and then will start for his home in Stockholm. The explorer looks thin and weather beaten. But he said he never felt in better health. He did not suffer a day's lilness during his two years' traveis, and had no occasion to use medicine. He traveled 4,000 miles or more, mainly in Western Tibet, and did not see a white face until he reached the Province of Robo. Dr. Hedin said that he made valuable discoveries, but that there still was ample room in Tibet for future explorers.

GERMANY'S OPPOSITION

Resistance to Imposition of Heavy

BERLIN, September 15.—The Franco-Spanish note as' published here does not include the repayment of the expenses incurred by the occupation of Casabianca as one of the conditions of the recognition of Mulai Hafid, but reserves the right immediately after the new Sultan has been recognized to demand a settlement of the questions affecting the interests of the powers, particularly the reimbursement of the expenses of occupation.

This is an important consideration from the German point of view, for the German government has already stated Debt on Morocco.

MEMORIALS AT VICKSBURG

ute to General Lee.

WASHINGTON, D. C., September 15.—
According to the annual report of the Vicksburg National Milliary Park Commission, a total of \$737,000 has been appropriated by the various State Legislatures for memorials, monuments and markers to certain persons and organizations. Of the State appropriations filinois leads, with \$260,000; Iowa has \$150,000, Wisconsin \$130,000, and other States yarlous amounts down to \$5,000. its remaining members a dear personal

BURY THE HATCHET

CHESTER, N. Y., September 15.

—Subordinating all personal animosities and heeding the carnest plea of the national chairman for harmony in the interest of success for the presidential ticket at the polls in November, the warring factions of the New York State Democracy to-night agreed to pull together, and all chance of friction in the State convention has been swept away. Charles F. Murphy, leader of Tammany Hall, when told that William Jennings Bryan himself was anxious that peace be established, agreed to withdraw all opposition to Senator Pat McCarren's delegates in contested districts also agreed to compromise matters pending the November election, and the threatening clouds of discord gave way to a program of harmony which will pave the way for what is planned to be a notable welcome to the presidential candidate, who will address the convention to-morrow night.

Candidate Not Selected Yet.

NO CHANGE IN N. & W. BONDS

The movement than was in evidence twee days ago. Mr. Murphy has been any jous to get the opinion of the up to the property of the company of the property of the p

them.

The first session of the convention of the convention and the been able to do if he could retain the confidence and affection of the American people.

Mr. Bryan declared that the period had been reached in the history of the Democratic party "when the East and the West, the North and the South can unite upon a platform."

The Feelings Have Changed.

TRAIN STRIKES HANDCAR

AND SIX ARE KILLED.

KANKAKEE, ILL, September 15.—
Six men were killed late to-day when a struck a handcar at Martindon, Ill., struck a handcar at Martindon, Ill., struck a handcar had been the confidence and affection of the American people.

The Accident was not discovered by Democratic party "when the East and the West, the North and the South can unite upon a platform."

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KANKAKEE, ILL, September 15.—
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The Feelings Have Changed.

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The first session of the convention which had been so freely predicted. Leader Charles for Murphy, of Tamman an hour to-day,

and the frain erew until they reached the next station, shalf mile distant, when the protocol property decorated suits the pilot of the engine. Cound upon the pilot of the engine. Cound upon the pilot of the engine. Tribute to Clevelinal. Brown pilot of the pilot

WOMAN'S THROAT IS CUT

naband Finding Her Dead Become

Warring Factions of New York Democracy Agree to Pull Together.

LOOKS LIKE CHANLER WILL BE THE NOMINEE WILL BE THE NOMINEE Murphy Surveying Situation, and if Satisfied That Lieutenant-Governor Is Strongest Man His Support Will Be Given, Bryan to Address Convention To-Night.

OCHESTER, N. Y., September 15, August 15, Canada and mostities and heeding the earnest plea of the mational chairman for harmony in the interest of success for the presidential icheir at the polis in Notamber 15.

Husband Finding Her Deag Becomes Desperate and Cuits His Thront.

RIVERHEAD, N. Y., September 15.—A wongan was killed and two other persons are likely to die as the result of murderous attacks in two neighboring localities in Eastern Long Island to-day. With throat gashed from ear to ear, the body of Mrs. James Jones, forty years old, was found in her home here. Beside her lay her husband, living, but slightly breathing, a gash in his own throat with a razor. He accused two young negroes of doing the killing. The police, however, are holding him in custody. Charged with seriously stabbling his wife with a chisel and fatally infuring Otto Schroeder, of Southampton, with the same weapon, James B. Kalander, of Fort Lee, N. J., was brought in the county fall. Kalander's wife and children were visiting at the Schroeder home. Kalander unexpectedly appeared before daylight, and it is charged, finding his wife and Schroeder together, savagely attacked them with a carpenter's chisel, Schroeder receiving several thrusts in the abdomen. Neighbors intervened, white scharged, finding his wife by the hair and thrusting at her with the weapon. She may die.

PULASKI WILL BE DRY

PULASKI WILL BE DRY

Fight and Dispensary Voted Out.

[Special to The Times-Dispatch.]

PULASKI, VA., September 15.—A

special election held in Pulaski today resulted in the dispensary being
voted out, the "drys" having a majority of 104. This leaves Abingdon
the only town in Virginia west of Roanoke where intoxicants are legally
sold.

CONSTABLE KILLS MAN

Young Clark, a Carolinian, Resisting Arrest, Is Shot in Henry County.

[Special to The Times-Dispatch.]

MARTINSVILLE, VA., September 15.

—A young man named Clark, claiming to hall from North Carolina, was shot and killed in the road near Leatherwood, this county this mornish.

wood, this county, this more Cabell Richardson, a Henry

STEAMERS ARE OVERDUE

Continued Stormy Weather Causes
Anxiety to Owners.

KINGSTON, JAMAICA, September 14.

—Owing to tempestuous weather following the recent hurricane in these latitudes, anxiety is felt for the United Full Company's steamers, Admiral Schley, Admiral Dewey and Brookline, respectively, from Philadelphia, Boston and Baltimore, which are two days behind schedule, and the Bradford from New York, which is three days behind.

Four of the Atlantic Fruit Company's teep find.

Four of the Convention, response to the Convention, response to nominate. The nine votes of Nassau county had brought the legs hush the secretary of the convention called "New York."

Herbert Parsons, president of the New York county Second Assembly District, gives four for Wadsworth;

Four of the Atlantic Fruit Company's teep find.

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Four of the Convention for the Governor's total beyond the carried the Governor's total beyond the Convention, respectively, from Philadelphia, Boston and Baltimore, which is the Governor's total beyond the carried the Governor's total beyond the Convention, respectively, from Philadelphia, Boston and John the Governor's total beyond the Convention for the Governor's total beyond the Conve

BANKER MOROSINI DEAD

HUGHES IS NAMED ON FIRST BALLOT

Opposition Unable to Unite on Man Who Could Defeat the Governor.

NEW YORK COUNTY GIVES NEEDED VOTE

With All Save Four for Incumbent, He Was Again the Nominee, and Convention Broke Into Bedlam Over Result Taft Expresses Gratification.

New York Ticket

Governor-Charles E. Hughes.
Lieutenant - Governor - Horsee
Wright, of Syracuse.
State Treasurer-Thomas P. Duns,
of Rochester.
Secretary of State-Samuel Kocnig, of New York county.
Attorney - General - Edward R.
O'Malley, of Buffalo.
Controller-Charles H. Gans, of
Albany.

Albany, State Engineer and Surveyor— Frank W. Williams, of Madison

self as Governor of the State of New York. He received \$27 votes out of a possible 1,099, as against 151 for James W. Wadsworth, Jr., of Livingston coun-ty, Speaker of the State Assembly, and thirty-one for former Congressman ty, speaker of the State Assembly, and thirty-one for former Congressman John K. Stewart, of Montgomery. The nomination was made unanimous, upon motion of State Committeeman William B. Barnes, Jr., of Albany, who had been perhaps the bitterest and most outspoken opponent of the Governor's renomination.

Not United on Opponent.
The Governor's renomination followed the utter failure of a desperate struggle on the part of a number of the county leaders, who for four days had spared no effort to discover a candidate upon whom they could unite to defeat, him

the balance of the county, 183, for Charles Evans Hughes." A thousands pencils in two seconda had figured the Hughes total to 57\$, and every person in the great hall knew that the battle was over and the place was instantly a bediam of cheer-

NEW YORK, September 15.—Giovanni P. Mryosini, banker and noted philanthron it, died suddenly to-day of heart failure at his country place, "Riverdale," in the upper section of the city.

Mr. Morosini, who was seventy-five years old, is survived by a son and two daughters. His wife died in 1825. Mrs. Victoria Morosini Schilling, his youngest daughter, created a sensation a few years ago by eloping with the family coachman, and the aged hanker disinherited her. Miss Glulla Morosini, the other daughter, is a noted horsewoman. Ottlillo P. Morosini, the son, married Mary Bond, - a Virginia belle.

Ing.

Kings County, Too.

Hardly less sensational had been the moment when State Chairman Wood-moment when State Chairman Wood-moment